IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 268 OF 2006

Gulab Maqbool Shaikh & anr. ...Appellants (Defendants)

Versus

Aminabi Latif Shaikh ...Respondent. (Plaintiff)

Mr. P.S.Dani for the Appellants

CORAM : D.B.BHOSALE, J.
DATED : 6TH JULY, 2007.

P.C.:

1. This appeal by the original appellants-defendants is directed against concurrent findings recorded by the Courts below decreeing the suit filed by the respondent-plaintiff for perpetual injunction against the defendants.

2. Mr.Dani, learned Counsel for the appellants, submitted that the Plaintiff cannot claim exclusive title over the suit house no.6. He further submitted that no evidence was brought on record by the plaintiff to show encroachment by the defendants. Both these submissions, in my opinion, are devoid of any merits. It appears that the plaintiff's husband was put in possession of the suit house prior to 1962 and after his death on 13.12.1962 the plaintiff continued in possession of the suit house. The Courts below have considered the entire material on

record in proper prospective and have rightly held that the plaintiff has proved his possession over the suit house with reference to title and that the defendants caused obstruction to her possession. Considering the concurrent findings of facts recorded by the Courts below and as I find sufficient material on record to sustain those findings and considering that no substantial question of law is either raised or involved in the second appeal, this appeal deserves to be dismissed. Order accordingly.

(D.B.BHOSALE, J)